UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,641	03/14/2001	Hiroshi Sugimoto	YAMAP0756US	2486

7590 05/13/2005	**EXAMINER**
Neil A. DuChez	DINH, TAN X
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ART UNIT	PAPER NUMBER
2653	

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DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE __3__ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,21-26 and 32* is/are rejected.

7)☒ Claim(s) *15-20 and 27-31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1) The amendment filed 9/17/2004 is acknowledged.

2) The drawings were received on 9/17/2004. These drawings are approved by the examiner.

3) Claims *2,7,12,16,23 and 27* are rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase " present/absence " (claims 2,7,12 and 23) render(s) the claim(s) indefinite since it was not clear what applicant intended to cover by the recitation " present/absence ". The resulting claim(s) do not clearly set forth the metes and bounds of the patent protection desired.

The phrase " detection/correction " (claims 16 and 27) render(s) the claim(s) indefinite since it was not clear what applicant intended to cover by the recitation " detection/correction ". The resulting claim(s) do not clearly set forth the metes and bounds of the patent protection desired.

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this

section made in this Office action:

A person shall be entitled to a patent unless -

5)   (e) the invention was described in (1) an application for patent, published
under section 122(b), by another filed in the United States before the invention by
the applicant for patent or (2) a patent granted on an application for patent by
another filed in the United States before the invention by the applicant for
patent, except that an international application filed under the treaty defined in
section 351(a) shall have the effects for purposes of this subsection of an
application filed in the United States only if the international application
designated the United States and was published under Article 21(2) of such treaty
in the English language.

6)   Claims *1,2,6,7,11,12,22,23 and 32*, as understood by the meaning of

112, 2nd above, are rejected under 35 U.S.C. 102(e) as being

anticipated by NAKAI et al (6,654,901).

NAKAI et al discloses a method for reading data from an

information recording medium having a plurality of address regions as

claimed in claim 1, comprising the step of:

performing a reading operation for all of designated address

regions among the plurality of address regions while holding read

error information regarding the read error in the case where a read

error occurs during reading of data from one of the plurality of

address regions (Fig.3, data is read out from hard disk 32. See

column 8, line 56 to column 9, line 38);

transferring the read data to a data conversion device for

converting the read data (Fig.6, Guaranty Of transfer Data Amount

with no interruption and continuous read process. See column 9, lines

49-61. In this case, the data is readout from hard disk and transfers
to host computer 20 for decoding (host computer is data conversion
device));

transferring the read error information to the data conversion
device (Fig.6, Guaranty Of transfer Data Amount with no interruption
and continuous read process. See column 9, lines 49-61. In this case,
the error is readout from hard disk and transfers to host computer 20
for decoding (host computer is data conversion device)).

As to claims 2,7,12 and 23, NAKAI et al shows the read error
information includes read error presence/absence information
indicating presence/absence of the read error (the read out data
always includes read error if an error occurs during reading process
).

Claim 6 adds control section to claim 1, which is shown in figure
3, CPU 22.

Claim 11 adds the feature of changing a method for transferring
the read data to data conversion device according to the read error
information (figure 6, the method for transferring data to data
conversion is based on the read error information of first, second and
third error-countermeasure methods. See column 9, lines 39-61).

Apparatus claim 22 is drawn to the apparatus corresponding to the
method of using same as claimed in claim 1, therefore, apparatus claim

22 is rejected for the same reasons of anticipation (obviousness) as

used above.

As to claim 32, the panel control is inherent in every

reproducing device since without panel control the user can not

operate the recording or reproducing processes.

7)   The following is a quotation of 35 U.S.C. 103(a) which forms

the basis for all obviousness rejections set forth in this Office

action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between
> the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was
> made to a person having ordinary skill in the art to which said subject matter
> pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8)   This application currently names joint inventors. In

considering patentability of the claims under 35 U.S.C. 103(a), the

examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made

absent any evidence to the contrary. Applicant is advised of the

obligation under 37 CFR 1.56 to point out the inventor and invention

dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the

applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

9)   Claims *3,4,5,8,9,10,13,14,21,24,25 and 26* are rejected under 35 U.S.C.

103(a) as being unpatentable over NAKAI et al (6,654,901).

NAKAI et al discloses all the subject matter as claimed in claims

3,8,13 and 24, *except* to specifically show that the read error

includes read error factor information indicating a factor which

caused the read error and read error occurrence address information

indicating an address region wherein the read error occurred. It would

have been obvious to someone within the level of skill in the art at

the time of the invention was made to use a read error includes error

factor which caused the read error, and error address indicates an

address region wherein the read error occurred in NAKAI et al's

reproducing device. The rationale is as follows: the errors occur

during reading process always includes an error factor (

defect on the information recording medium such as a flaw, a finger-

print, off-tracking, missing data, corrupted data, etc.,) and error

address since every data on the medium has been assigned a

corresponding address, therefore, one of ordinary skill in the art at

the time of the invention was made would have been motivated to

include error factor and error address in the read error of NAKAI et al's reproducing device as claimed.

As to claims 4 and 9, since the reading process of NAKAI et al read out and transfers both data and read error to conversion device which includes read error address and state of the held data.

As to claims 5 and 10, it would have been obvious to attach the error address and error factor as header to the data read in NAKAI et al's reproducing device as claimed since in the lay out of data structure, the error address, error factor or other elements could be attached or interchange at any suitable positions.

As to claims 14 and 25, NAKAI et al shows the read data is real-time data compressed according to MPEG format and data conversion device MPEG-decodes the read data (Fig.3, MPEG decoder 141).

As to claim 21, it would have been obvious to use the step of changing method for transferring read data by an order of a user in NAKAI et al's reproducing device since the user can perform any operation functions on any reproducing devices such as transferring data, error correcting data, erasing data, changing an operation step, etc.,.

As to claim 26, since the information data of NAKAI et al's reproducing device is MPEG which includes GOPs (I picture, B picture and P picture) and both data and read error (GOPs) are transferred to data conversion device, which also includes the GOPs (it is noted

that, to use a notation in the display for notifying a user, such as,

PLAY, STOP, READING IMPOSSIBLE, etc., are old and well known in the

art of recording and reproducing).

10)   Claims *15-20,28-31* are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim

and any intervening claims.

11)   Claim 27 would be allowable if rewritten to overcome the

rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this

Office action and to include all of the limitations of the base claim

and any intervening claims.

12)   The prior art made of record and not relied upon is

considered pertinent to applicant's disclosure.

13)   Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Primary

Examiner TAN X. DINH whose telephone number is (571)272-7586.   The

examiner can normally be reached on Monday - Friday from 8:00AM to

5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov/. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAN DINH
PRIMARY EXAMINER
May 6, 2005